

# The Salt River Journal.

A. H. BUCKNER,

"AUDI ALTERAM PARTEM."

Editor & Proprietor.

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Mr. BUCKNER:--The following letter, by Mr. White to the Honorable the General Assembly of the State of Tennessee, being in my opinion very applicable, and no doubt contains valuable information for the people of our own State. It has in it matter worthy of serious consideration. It lays open the *gangrene* that has been, and still is eating into the body politic. It shows the means resorted to, and the ends to be accomplished, by the present corrupt Administration, with so much truth and conciseness, that I hope you will give it room in your Journal. Every man who has any regard for his Country or the least spark of patriotism, in his bosom ought to give it a careful examination; and while doing so, divest himself of all party prejudice.

## VERITAS.

To the Honorable the General Assembly of the State of Tennessee.

GENTLEMEN:--On the 20th of November last, in the city of Washington, I received a copy of sundry preambles and six resolutions, which appear to have been adopted by you on the 14th of that month, instructing your Senators, and requesting the representatives in the Congress of the United States how to act on a variety of subjects.

An answer to the resolutions would have been immediately given had I not believed it my duty to remain at the post as I feel me by your predecessors, until some of the matters specified in them should be presented to the Senate for its action. Although I might entertain an opinion different from that employed by your honorable body, and might be unwilling to surrender that opinion, yet if no case should be presented for the action of the Senate, in relation to which such difference of opinion existed, I could perceive no good reason why I should state what course I would pursue, upon a subject, which might never be presented for consideration. Now, however, bills are presented to the Senate upon some of the subjects embraced in your resolutions, and I deem it my duty, without farther delay, to inform you, that I cannot obey the instructions contained in some of those resolutions, and respectfully to assign some of the reasons which influence my conduct.

That I may be the better understood, I will notice each of the resolutions in the order in which they were adopted.

First. As one of your Senators, I am instructed "to vote against the chartering by Congress of a National Bank."

This instruction corresponds with the opinion I have repeatedly expressed & acted on, and I could now feel no difficulty in conforming my vote to your wishes on this subject.

Secondly. I am instructed "to vote for, and use all fair and proper exertions to procure the passage of the measure brought forward in the Congress of the United States, commonly called the Sub-Treasury Bill, or Independent Treasury Bill," &c. &c.

The following, with many other, reasons induced me to believe I ought not to comply with the instructions contained in this resolution.

It has often happened, and will generally be the case, that a considerable time must elapse between the receipt of public money from the debtor to the United States, and its disbursement to their creditors; during this interval the money will be much more safe in the custody of well selected Banks than it can be in the hands of individuals supposing them to be faithful.

Suppose any one of your honorable body had one hundred thousand dollars of his own money, which he did not intend to use for six or nine months, and lived in the vicinity of a Bank of respectable standing, would he keep the money in his own house, under his own care, or would he deposit it in Bank for safe-keeping until he wished to use it? If he was a prudent man, regarding his own interest, he certainly would deposit it.

Are we then justified in taking less care of the people's money than a prudent man would take of his own? With great deference to your better judgment, I think not.

It often happens that the receiving officers have on hand much larger sums than that named in the supposed case, and as the sum is increased and the time it is to be kept be-

tween its receipt and disbursement enlarged, the danger of loss, when in the hands of an individual, is increased likewise.

Again. All experience teaches us that large sums of public money left in the hands of individuals will be misused and squandered. It will either be used by the individual himself for his own purposes, or loaned to importunate friends whom he may wish to accommodate, and who are sure not to be able to return it when called for.

It is said Banks are irresponsible, therefore not to be trusted. In my opinion, generally, they are more responsible than individuals. They have more means with which to pay, and if they fail to make payments when required, they are as much amenable to the process of a court of justice as individuals are; and in addition, they are to be found with much more certainty, as a corporation aggregate can very seldom abscond, or leave the country, which an individual easily can, and often does when he misuses the public money.

We need all the checks which can reasonably be imposed on our collecting and disbursing officers. Banks have been found to furnish one highly beneficial upon both of these classes. By a regulation between the Treasury Department and each deposit Bank, the latter has been required at short periods to furnish its account current with the Treasurer, and on the face of it to show all sums deposited to his credit, when such deposits were made, and by whom. By comparing this account with the accounts furnished by the respective officers themselves, it can readily be discovered whether they are misusing the public money or not. By the proposed change, and allowing the collector or receiver to be himself the keeper, until the money is wanted for use, you have no check whatever, and the whole money received by an officer may be squandered before it is wanted for disbursement, without any means of detection.

I therefore, conclude the Sub-Treasury Bill ought not to be passed, if there were no other objections to it save that of the public money being less secure. But there are other weighty objections.

The only plausible reason which can be assigned why we should discard Banks entirely and appoint Sub-Treasurers keepers of the public funds, must be, that the Banks are unworthy of confidence.

It that be so, does it necessarily follow that you ought either not to receive any Bank notes in discharge of its due to the Government, or if received that you should order the officer with whom they are deposited for safe-keeping, immediately to call upon the Banks for specie to their amount. It is absurd to say we will not deposit with the Bank, because we have no confidence in it, and at the same time to allow our officers to receive Bank notes and retain them in the hands of our officer up to the time we wish to pay the money away. There is less probability that the Banks would redeem their notes in specie when called on, than that they would deny the payment of specie for money received on deposit.

The practice then of receiving nothing but specie from debtors, or of immediately converting the notes received into specie, and locking that up until the time of disbursement arrives must be resorted to, in order to carry out your wishes.

This I apprehend would be ruinous to society. A large portion of the specie that might otherwise circulate would be withdrawn from the use of every person a considerable portion of each year. This would effect the prices of property, of labor, and of every thing else, and would render it next to impossible for even a prudent man, who happened to be in debt, ever to extricate himself.

Beside this, the heavy draws for specie upon banks would compel them, in a short time either to wind up or do a very precarious business. Whenever a suspension of specie payments would take place, we would have a depreciated paper currency, on which to do the business of the country, and specie would become an article of merchandise. The man in office, or who had a job or contract with the government would receive his salary or his pay in specie, which he would immediately sell for bank paper, receiving a premium of some ten or fifteen per centum, and with that paper pay his debts or purchase such property as he might wish. This practice is at this moment in operation. For every hundred dollars paid me as a member of Congress, I can receive one hundred and eight or nine dollars in bank notes, and with them pay the landlord who feeds or the tailor who clothes me.

It has appeared to me, if we commence this entire operation which your resolution contemplates, and go into this thorough hard money system, we shall presently, in Tennessee, especially, be in a deplorable condition. Look at its effects: all debts and taxes are to be paid to the federal government in hard money, or in bank notes, for which the specie will be immediately received, and the specie thus received is to be locked up securely, until it is paid out in discharge of some debt due by the government. Suppose our first years taxes paid, in all the States amounting to some twenty-five or thirty mil-

lions of dollars. That is only to be returned into circulation when the federal government pays the debts which it owes. What chance will Tennessee have to receive, by federal disbursement, any portion of what she may have paid? We have no forts, no foundries, no arsenals, no fortifications, no army, no navy, navy yards or dry docks. In short, we have next to no objects upon which the federal government expends money, therefore none of it would be returned to us. We must pay up our full proportion of all indirect taxes in hard money, with a certainty that little or none of it would be returned to us by federal expenditures, and in the course of a very few years we must be drained of every hard dollar we now have.

There is another class of objections against this measure entitled, and I think, to still more grave considerations.

The addition it will make to the powers of the federal executive. Every officer with which the money is to be deposited, or left for safe-keeping, will be appointed by the President and removable at his pleasure. We might as well give it to the President himself as to entrust it to those whom he can and will control.

This plan will multiply officers and increase considerably our expenses at its commencement, and in the end no man can foresee the swarms of dependents it may generate, and the additions it may occasion to our expenditures of the public money.

By the use of the patronage already belonging to that officer, we all know and feel that a large portion of the power vested in the legislative department exists only in name; it is in substance vested in, and expressed by, the President as he will; shall we, then, give him a controlling power over all the pecuniary resources of the federal government? For one I cannot consent to it.

Lastly, this Sub-Treasury is nothing but a stepping stone to a bank created by the federal government, bottomed on its own funds, attached to the Treasury Department, and all placed at the control of the President, or of those who will never have any will which does not correspond with his.

It appears to me, no reasonable man can think if we commence this system we are to stop short of such a bank.

Let one year only pass with all your revenue in specie, and that locked up, your State Banks, and paper currency deranged, and what then? Those who may wish to carry out this system will then recur to the sound doctrines advanced by the late President Jackson, "that the money of the country ought not to be kept locked up by the government, any more than the arms belonging to the citizens--both will be sure to be misused." And it will be urged that society is suffering for a sound circulating medium; we must pass a law authorizing this money to be loaned, the interest will ease us of the payment of much taxes, and by circulating Treasury notes or drafts drawn by one of these Treasurers upon another, we will have a sound paper currency, good every where and bottomed on a metallic basis. This doctrine will become the democratic doctrine, and every man who opposes it, will be denounced as a bank-bought federalist, the law will pass and in due form we shall have the Treasury; and what then?

The purse and the sword will be united and a power to increase the purse, as need may require, not by adding eagles and hard dollars to our funds, but by issue of paper, in such sums as may be deemed necessary and proper. This bank with its pecuniary means, and the credit and resources it will possess, can either destroy or render subservient to the views of the Executive any State Banks which may be in existence. The whole moneyed power not only of the federal government, but of all State Banks being thus placed in the hands of the President, he will be able to control the destinies of the country.

His will becomes the law of the land. He will never again have to appeal to "the sober second thoughts of the people" to carry any favorite measure. His first recommendation will always secure its speedy enactment into a law.

In the views which I take of this subject, I may be in error; but they are sincerely entertained. In the first instance, I placed my vote against it, under the belief that such were the sentiments of the people I presented. Afterwards, I was instructed by the legislature to continue my opposition. I did so, from a conviction that I was right; and nothing would give me more pleasure than to conform my vote to your wishes, if the measure were an ordinary one, or if I believed the error of sanctioning it could be corrected; but, believing, as I do, that the power once granted to the Executive can never be recalled, and that its exercises will take from the people that freedom of thought and of action which alone entitles our government to be considered Free, I most respectfully, but decidedly, state that I cannot & will not obey the instruction contained in your second resolution.

Your third resolution unqualifiedly condemns the provisions of a bill of the last session, entitled, a bill to prevent the interference of certain federal officers in election, declares the same to be a violation of the Constitu-

tion of the United States, unqualifiedly condemns the vote given in favor of said bill by my colleague and myself, and instructs your Senators to vote against, and to use all fair and proper exertions to prevent, the passage of the same, or any similar bill.

When my colleague and myself gave our votes in favor of that bill, we acted under the same solemn sanction of an oath to support the Constitution of the United States that the numbers of your honorable body did when they voted in favor of this condemnatory resolution. We had the benefit of very able arguments both for and against the bill. We examined it with all the care we could, and to the conclusion that it was not unconstitutional, and believing that the prevailing practice of the President interfering in elections, both State and Federal, through the instrumentality of officers, who hold their places during his pleasure called loudly for a remedy, we voted in favor of its passage.

If your decision was final, I would not be so childish as to ask of you to reconsider the constitutional question.

To men of ordinary capacity, or equivocal moral character, I might make such a request, from a belief that the decision was a hasty one, produced by some extraneous influence, and that a more deliberate investigation of the subject might lead to a different conclusion; but, when I reflect that the leading members of that majority which passed the resolution are men as much distinguished by their moral character as by their intellectual attainments and deep research on objects but "unqualifiedly condemned," I cannot hope that one of my humble pretensions could urge any thing which would occasion even a doubt in your minds of the correctness of your decision.

But there is a higher earthly tribunal than your honorable body, that will judge both your vote and mine, and pass sentence dispassionately, without any predisposition to unqualifiedly condemn either of us, but in charity hoping that each believed, when giving his vote, he was acting correctly. To that tribunal, then, our common constituents, through you, their immediate representatives, I beg leave respectfully and briefly to assign some of the reasons which influenced the vote complained of.

Every officer named in that bill holds his office at the will of the President, and is liable to be dismissed whenever it is the pleasure of the President to dismiss him. Each and every one of the offices is created by act of Congress. The qualification for the office, the tenure of it, and the duties to be performed by the officers are, and were matters of legislative enactment.

The President has no power to dismiss or control one of these officers, merely because he is President, but because Congress, by law gave him power. The bill itself expressly provide that all these officers should be secure in the right to vote on all elections, according to their own judgment, and only forbid their interference to control and influence the votes of others.

I affirm that Congress had the power to create these officers, or not, at its pleasure. That, when they were created, Congress could prescribe the duties of the officers. That, if it had been deemed necessary, Congress could have enacted that the officers should hold the office during good behavior; but that if any one of the officers interfered to influence the votes of others, in any election, either State or Federal, it should be a misdemeanor in office, for which he should be dismissed.

When the bill complained of was under consideration, Congress had exactly the same power over the subject that it had when the officers were first created. They might have repealed the law entirely, and thus have turned out every one of these officers.

Suppose, instead of the bill complained of, a bill had been introduced and passed stating that, whereas these officers were in the habit of interfering to influence the votes of the citizens in elections, therefore, Be it enacted, that the law creating their officers should be repealed, &c. would your honorable body venture the opinion that such law would have been unconstitutional, and that these officers would still have remained in office? I think not.

On the question of constitutional power, there can be no distinction between the case supposed and the bill complained of. If the one would have been constitutional, so is the other.

Prior in the year 1820, these officers held their office during pleasure. Congress then believed many of them had misdeemeaned themselves, were defaulters, &c., and, with a view to provide a remedy, on the 15th of May, in that year, an act was passed changing their tenure, and limiting each of them to the term of four years, and made them removable at pleasure within these four years. Has it ever been thought that act was unconstitutional? Not at all. Yet such an objection might have been urged with much more force in that case than in this.

The only reason assigned in your resolution why this bill was unconstitutional is, that it took from these officers the liberty of

speech, and the Constitution provides that "Congress shall pass no law abridging the freedom of speech and of the press."

This provision in the Constitution was intended for the safety and protection of the common citizen who holds no office. It was foreseen that those in office might abuse their trust, and to protect themselves against exposure, might pass the press. Now, in your resolution, you exactly reverse the matter, and suppose it was intended to protect the instruments of the President, who hold office at his will, in their endeavors to influence & mislead the people in elections. During the administration of the elder Mr. Adams, many complaints were made and charges urged, both in speeches and through the press, by the citizens, against him and those in office under him. With a view to silence the citizens, and to maintain and shield those in office, the sedition law was passed. The Republicans, one and all, condemned it as unconstitutional and unjust, and they were right in such condemnation.

Your resolution maintains now, exactly the same doctrines then advanced by the Federalists. They wished to silence the people; that they might retain their places and power, and your resolution seeks to allow the office holders to go forth with all their power and influence, to mislead and corrupt the people--obtain their votes in election, and thus retain their offices with all their emoluments.

Does your honorable body intend to affirm that Congress has no power to regulate the conduct of this class of officers?

Are they to be allowed to go forth on days of election, and with a view to procure votes for the President or his favorites, promise money or offices, jobs or contracts, by which much money may be made with but little labor? The office holder, in making these promises to influence voters, would be using his powers of speech, which the resolution affirms Congress cannot abridge or lessen. If the proposition can be maintained, then Congress had better go home and yield up every thing to the President and the corps who hold office at his pleasure.

We will, after a little reflection, perceive that this resolution not only unqualifiedly condemns your Senators for their votes, but necessarily the conduct and opinions of others whom the country has most delighted to honor.

The only reason assigned in your resolution why this bill was unconstitutional is, that it abridged the freedom of speech.

If you are correct, how dare Mr. Jefferson "the Apostle of Liberty," in his letter to Governor McKean, use the language he did on this subject? Still more, when he came into office as President, why did he dare to issue his circular letter, prohibiting this class of officers, on pain of dismissal, from interfering in elections farther than to give their own votes?

He was sworn to support the Constitution, and if Congress abridges the freedom of speech, secured by this Constitution, by the enactments proposed in this bill, it follows clearly that the President in his circular violated the same Provision, by pronouncing the like penalty for the like offence!

I defy any person to condemn the one without condemning the other; unless, indeed, we suppose there is a class of politicians who believe the Constitution does not, and ought not to impose any restraint upon the President.

I fear such a sect has lately sprung up, and is increasing. It cannot be too speedily suppressed.

The late President, General Jackson, in his inaugural address, when "he was fresh from the people," inculcated the same doctrine with Mr. Jefferson. "To prevent the patronage of the Government from being brought into conflict with the freedom of elections, was a duty inscribed in characters too legible to be misunderstood," &c. was the strong language he then used. How was this duty to be discharged? Did we not, one and all, believe he would discharge it as Mr. Jefferson had done? If, then, these Presidents could, without violating the Constitution, prohibit these officers from interfering in elections, why could not Congress, by its enactments, prohibit them likewise?

No satisfactory answer can be given to this question.

The President already had the power vested in him to dismiss these officers at his pleasure; and Congress unquestionably had the power to limit his discretion, by specifying the cases in which he should exercise it. If, then, my colleague and I erred on this question of power, with great defence I submit that, the company with which our opinions were associated ought, at least, to have softened the asperity of the language in which our condemnation was pronounced. If there was any one subject above all others, upon which I believed my colleague and I could not mistake the sentiment of our constituents, it was that embraced in that bill.

To prevent the President, through those officers, from interfering in elections, was a theme upon which the friends of the late President (Jackson) had dwelt the most, both in and out of Congress. In 1826, a committee of the Senate, of which I was a very